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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CHARLYNN YBANEZ QUINTANA,

11 Plaintiff,

12 v.

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14 USAA LIFE INSURANCE COMPANY
15 and USAA GENERAL INDEMNITY
16 COMPANY, foreign insurers,

17 Defendants.

Case No. C19-397RSM

ORDER DENYING MOTION TO
REMAND

18 This matter comes before the Court on Plaintiff Quintana's Motion to Remand. Dkt.
19 #10. Ms. Quintana moves the court to remand this action back to King County Superior Court
20 under 28 U.S.C. § 1447(c) for Defendant USAA's failure to comply with LCR 101(c).
21 Specifically, Ms. Quintana argues that USAA failed to attach to its Notice of Removal: the
22 Case Information Cover Sheet, Summons, Certificate of Mailing, and Confirmation of Service,
23 all filings on the state court docket. *Id.* at 2. Instead, the Notice of Removal only attached the
24 Complaint and the Order Setting Case Schedule from the state court file. Dkt. #1. On March
25 29, 2019, USAA filed a declaration related to state court records but did not attach these
26 additional documents. Dkt. #8.
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1 28 U.S.C. § 1447(c) authorizes this court to require “the removing party to file with its
2 clerk copies of all records and proceedings in such State court . . .” Local Civil Rule 101(c)
3 requires filing of the complete state court case file.

4 USAA argues that it filed in this case all state court records that it was served by
5 Plaintiff rather than all records that were on the docket. Dkt. #11 at 2. USAA admits that its
6 counsel “misinterpreted what was required.” *Id.* Counsel for Defendants “apologizes for, and
7 regrets, this inadvertent error, but, asserts the missing documents are harmless error, and
8 inconsequential to establishing subject matter jurisdiction under 28 U.S.C §1446; and/or the
9 facts supporting and justifying removal; and/or the facts establishing that the matter was
10 properly and timely removed.” *Id.* at 3. USAA contends “the important, substantive,
11 necessary, and operative documents, establishing and justifying removal, were provided to the
12 Court on March 19, and March 29, 2019.” *Id.* USAA argues that two cases cited by Plaintiff
13 where remand was granted are factually distinct. *Id.* at 3–4.

16 The Court is convinced by USAA that it substantially complied with LCR 101(b), and
17 that any error was harmless. Certainly, Ms. Quintana offers nothing to imply that she or the
18 Court were harmed by this technical error. Accordingly, this Motion will be denied.

20 Having reviewed the relevant briefing, attached declarations, and the remainder of the
21 record, the Court hereby finds and ORDERS that Plaintiff Quintana’s Motion to Remand, Dkt.
22 #10, is DENIED.

24 DATED this 15 day of May 2019.

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27 RICARDO S. MARTINEZ
28 CHIEF UNITED STATES DISTRICT JUDGE